

**ALLEGED SHIPMENT:** From on or about October 13, 1943, to March 14, 1944, by the Oregon Nut Shellers, Hillsboro and Sherwood, Oreg.

**PRODUCT:** 261 35-pound cartons and 272 35-pound cases of shelled filberts at Philadelphia, Pa., Tacoma, Wash., and Oakland, Calif.

**LABEL, IN PART:** (Cases) "Rubi Rancho Brand Large [or "Jumbo," or "Medium"] Filberts."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** March 30, April 19, and June 16, 1944. The Oregon Nut Shellers, Hillsboro, Oreg., Younglove Grocery Co., Tacoma, Wash., and Awful Fresh McFarlane, Oakland, Calif., appeared as respective claimants. Judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit nuts were sorted out and destroyed.

**5974. Misbranding of mixed nuts. U. S. v. 36 Cases of Mixed Nuts. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 11292. Sample No. 55959-F.)**

**LIBEL FILED:** December 17, 1943, Western District of Washington.

**ALLEGED SHIPMENT:** On or about December 1, 1943, by the Reliable Nut Co., Los Angeles, Calif.

**PRODUCT:** 36 cases, each containing 24 8-ounce bags, of mixed nuts at Seattle, Wash.

**LABEL, IN PART:** "Royal Seal Fancy Salted Mixed Nuts Net Wt. 8 oz."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement "Net Wt. 8 oz." was false and misleading as applied to a product that was short-weight; Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** December 31, 1943. The claimant, the Reliable Nut Co., having admitted the allegations of the libel, a consent decree of condemnation was entered and the product was ordered released under bond to be reconditioned to conform with the law, under the supervision of the Food and Drug Administration. The bags were repacked to the declared weight.

**5975. Adulteration of peanuts. U. S. v. 13 Bags of Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 11306. Sample No. 65786-F.)**

**LIBEL FILED:** December 15, 1943, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 22, 1943, by the New York Nut Shelling Co., Inc., Hoboken, N. J.

**PRODUCT:** 13 100-pound bags of peanuts at New York, N. Y.

**LABEL, IN PART:** "Roasted Granulated Peanuts Unsifted."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of rodent hairs and rodent excreta; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5976. Adulteration of shelled peanuts. U. S. v. 460 Bags of Shelled Peanuts. Decree of condemnation. Product ordered released under bond to be reconditioned by sorting. (F. D. C. No. 11274. Sample No. 51746-F.)**

**LIBEL FILED:** December 9, 1943, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about October 23, 1943, by the Columbian Peanut Co., Enfield, N. C.

**PRODUCT:** 460 bags, each containing 100 pounds, of shelled peanuts at Boston, Mass.

**LABEL, IN PART:** "No. 2 Virginia Shelled Peanuts."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of worm-eaten, rancid, and moldy peanuts.

**DISPOSITION:** January 4, 1944. Charles N. Miller Co., Boston, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by sorting and picking, under the supervision of the Food and Drug Administration.

**5977. Adulteration of peanuts. U. S. v. 200 Bags of Shelled Peanuts (and 1 other seizure action against shelled peanuts). Decrees of condemnation. One lot released for segregation and denaturing of unfit portion; remaining lot ordered released for processing into peanut oil, the pulp to be converted into animal feed.** (F. D. C. Nos. 11984, 12403. Sample Nos. 51022-F, 77286-F.)

**LIBELS FILED:** March 8, 1944, Eastern District of Pennsylvania; May 19, 1944, District of New Jersey.

**ALLEGED SHIPMENT:** On or about February 24 and 25, 1944, by the Farmers Cotton and Peanut Co., Plymouth, N. C.

**PRODUCT:** 200 110-pound bags of peanuts at Philadelphia, Pa., and 149 100-pound bags of peanuts at West New York, N. J.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances. The lot at Philadelphia contained dirty and rancid peanuts, and the lot at West New York contained dirty and decomposed peanuts, stones, sticks, and hulls.

**DISPOSITION:** March 10, 1944. The Farmers Cotton and Peanut Co., Inc., having appeared as claimant for the lot at Philadelphia, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the unfit portion, under the supervision of the Food and Drug Administration. July 24, 1944. The same claimant having appeared for the remaining lot, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for processing into peanut oil, the pulp to be converted into animal feed, under the supervision of the Food and Drug Administration.

**5978. Adulteration of peanuts. U. S. v. 49 Unlabeled Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond for segregation.** (F. D. C. No. 10933. Sample No. 55440-F.)

**LIBEL FILED:** October 16, 1943, Western District of Washington.

**ALLEGED SHIPMENT:** On or about May 20, 1943, from Fort Gaines, Ga.

**PRODUCT:** 49 bags of peanuts in possession of the Old Yankee Syrup Co., Seattle, Wash.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live insects, webbing, excreta, and insect-damaged nuts; and, Section 402 (a) (4), in that it had been stored under insanitary conditions whereby it might have become contaminated with filth.

When examined in the storage room, moths and live pupae were observed on the outside of the bags, and larvae were crawling on a number of the bags. Rodent pellets were on and between the bags and on the floor. Frass from chewed peanuts and rodent pellets was lodged between some of the bags.

**DISPOSITION:** November 1, 1943. Marco J. Magnano and Angelo C. Magnano, doing business as the Old Yankee Syrup Co., appeared as claimants. Judgment of condemnation was entered and the product was ordered released under bond to be segregated under the supervision of the Food and Drug Administration. The unfit material was sorted out and denatured and the insanitary conditions were corrected.

**5979. Adulteration of peanuts. U. S. v. 53 Bags of Shelled Peanuts. Consent decree of condemnation. Product released under bond to be brought into compliance with the law.** (F. D. C. No. 12128. Sample No. 66608-F.)

**LIBEL FILED:** April 4, 1944. Western District of Missouri.

**ALLEGED SHIPMENT:** On or about February 19 and 20, 1942, from Hugo, Okla.

**PRODUCT:** 53 bags, containing a total of approximately 6,000 pounds, of peanuts, in the possession of the United States Cold Storage Co., Kansas City, Mo.

This product had been stored under insanitary conditions after shipment. Rodent excreta pellets, rodent urine stains, and rodent-gnawed holes were noted on the bags. The peanuts were contaminated with rodent excreta and rodent hair fragments.